

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

WSOU INVESTMENTS, LLC d/b/a
BRAZOS LICENSING &
DEVELOPMENT,

Plaintiff,

vs.

No. 6:20-cv-00580-ADA

GOOGLE LLC,

Defendant.

_____/

DEPOSITION OF TIBOR KOZEK, Ph.D.
appearing at Oakland, California
Wednesday, May 24, 2023
Volume I (Pages 1 - 196)

Reported by:

Natalie Y. Botelho

CSR No. 9897

Job No. 5929710

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GOOGLE LLC,

Defendant.

_____/

Videotaped deposition of TIBOR KOZEK,
Ph.D., Volume I, taken on behalf of Defendant, at 1
Kaiser Plaza, Suite 250, Oakland, California,
beginning at 9:23 a.m. and ending at 3:52 p.m. on
Wednesday, May 24, 2023, before NATALIE Y. BOTELHO,
Certified Shorthand Reporter No. 9897.

1 APPEARANCES:

2
3 For Plaintiffs:

4 FOLIO LAW GROUP PLLC

BY: C. MACLAIN WELLS, ESQ.

5 BY: JOSEPH M. ABRAHAM, ESQ. (via Zoom)

BY: TIM DEWBERRY, ESQ. (via Zoom)

6 1200 Westlake Avenue N., Suite 8

Seattle, WA 98109

7 (206)880-1802

maclain@foliolaw.com

8 joseph.abraham@foliolaw.com

timothy.dewberry@foliolaw.com

9
10 For Defendants:

WARREN LEX LLP

11 BY: MATT WARREN, ESQ.

BY: FRANCESCA GERMINARIO, ESQ.

12 2261 Market Street, Suite 606

San Francisco, CA 94114

13 (415)895-2928

matt@warrenlex.com

14 francesca@warrenlex.com

15
16 Also Present:

17 NEIL GEORGE, Videographer

1 A. I believe that is correct. 09:50:25

2 Q. Okay. And all of the items in -- withdraw 09:50:27

3 that. 09:50:30

4 The pieces of prior art that Dr. Schonfeld 09:50:33

5 talked about in his report all scanned barcodes, 09:50:36

6 correct? 09:50:40

7 MR. WELLS: Objection; compound. 09:50:41

8 THE WITNESS: Dr. Schonfeld's report 09:50:45

9 refers to devices that perform similar 09:50:47

10 functionality. 09:50:50

11 MR. WARREN: Q. Okay. They all scan 09:50:51

12 barcodes, correct? 09:50:52

13 A. The references describe method that -- 09:50:57

14 methods that are intended to scan barcodes. 09:51:00

15 Q. That's fair. And all of the prior art 09:51:03

16 references that Dr. Schonfeld discusses in his 09:51:07

17 report scan barcodes, but you have opined that none 09:51:10

18 of them practice the '491 patent, correct? 09:51:13

19 A. That is correct. 09:51:17

20 Q. Okay. So we can agree that there are many 09:51:17

21 ways to scan barcodes that do not practice the '491 09:51:20

22 patent, correct? 09:51:22

23 MR. WELLS: Objection; vague. 09:51:24

24 THE WITNESS: There could be methods that 09:51:26

25 perform the same functionality and do barcode 09:51:31

1 recognition without the use of the '491 patent. 09:51:36

2 MR. WARREN: Q. And indeed, there are, 09:51:39

3 because Dr. Schonfeld talked about them, and you 09:51:41

4 have opined that they do not practice the '491 09:51:43

5 patent, correct? 09:51:46

6 MR. WELLS: Objection; asked and answered, 09:51:48

7 argumentative. 09:51:49

8 THE WITNESS: The methods presented in 09:51:55

9 Dr. Schonfeld's report as prior art do not practice 09:51:57

10 the '491 patent. 09:52:01

11 MR. WARREN: Q. But they do all scan 09:52:03

12 barcodes, correct? 09:52:04

13 A. They purport to be suitable for barcode 09:52:05

14 scanning. 09:52:08

15 Q. And so it is your opinion that if someone 09:52:11

16 were to implement any of the prior art references in 09:52:14

17 Dr. Schonfeld's report in the present day, that 09:52:19

18 person would not practice the '491 patent, correct? 09:52:22

19 MR. WELLS: Objection; improper -- 09:52:29

20 incomplete hypothetical, and calls for a legal 09:52:29

21 conclusion. Also, outside of scope. 09:52:32

22 MR. WARREN: Q. You may answer. 09:52:36

23 A. I believe that those prior art implemented 09:52:39

24 could potentially perform barcode detection. 09:52:45

25 Q. So I asked a different question. What I 09:52:52

1 was trying to ask was, it is your opinion that if 09:52:54
2 someone were to implement any of the prior art 09:53:00
3 references that Dr. Schonfeld described in his 09:53:04
4 invalidity report in the present day, that 09:53:06
5 implementation would not practice the '491 patent, 09:53:10
6 correct? 09:53:14

7 MR. WELLS: Objection; incomplete 09:53:15
8 hypothetical, calls for a legal conclusion, and 09:53:16
9 outside of the scope. 09:53:19

10 THE WITNESS: My opinion is, sitting here 09:53:25
11 today, is that if somebody implemented those methods 09:53:26
12 today and those were, in fact, functional, then you 09:53:30
13 would have an instantiation that does not infringe 09:53:38
14 the '491 patent. 09:53:44

15 MR. WARREN: Q. Thank you. That's very 09:53:46
16 helpful. The patent does not claim to invent any 09:53:46
17 particular barcode format, correct? 09:53:50

18 A. As I understand, the patent does not claim 09:53:58
19 the invention of any specific barcode format. 09:54:04

20 Q. Okay. And the patent doesn't claim any 09:54:06
21 technique in particular for reading any barcode, 09:54:12
22 correct? 09:54:15

23 A. The patent proposes a specific set of 09:54:22
24 methods for performing that function. 09:54:25

25 Q. Perhaps I wasn't clear. The patent 09:54:28

1 current barcode reading method, correct? 10:26:09

2 A. That's what it says, correct. 10:26:11

3 Q. And if successful, the output of that 10:26:12

4 decoding function will be symbolic data, correct? 10:26:15

5 MR. WELLS: Objection; misstates the 10:26:20

6 document, outside of scope. 10:26:22

7 THE WITNESS: The decoding step outputs 10:26:26

8 symbolic data. 10:26:33

9 MR. WARREN: Q. And the input of step 1d 10:26:34

10 is the input image, correct? 10:26:36

11 MR. WELLS: Objection; vague and 10:26:38

12 ambiguous, incomplete hypothetical, outside of 10:26:38

13 scope. 10:26:42

14 THE WITNESS: Within the logic of the '491 10:26:51

15 patent, the input of decoding is the successful 10:26:53

16 processed input image because it is done in response 10:27:02

17 to the processing of the input image being 10:27:08

18 successful. 10:27:10

19 MR. WARREN: Q. So the patent says -- I 10:27:16

20 just want to make sure I understand. The patent 10:27:19

21 says, "attempting a decode of the input image," 10:27:21

22 right? That's in quotes, "the input image." You 10:27:23

23 see that? 10:27:26

24 A. Yes. 10:27:27

25 MR. WELLS: Objection; misstates -- 10:27:27

1 little bit because you want to make sure that I 10:30:04
2 understand that the input image in step 1d has 10:30:08
3 already been processed, correct? 10:30:11
4 MR. WELLS: Objection; misstates 10:30:14
5 testimony. 10:30:15
6 THE WITNESS: Step 1d states that the 10:30:22
7 decoding is attempted as a consequence of successful 10:30:24
8 processing of the input image. 10:30:29
9 MR. WARREN: Q. So by the time we get to 10:30:31
10 attempting a decode of the input image, the input 10:30:33
11 image that we're talking about has already been 10:30:36
12 successfully processed, correct? 10:30:38
13 MR. WELLS: Objection; misstates the 10:30:41
14 testimony -- the document. 10:30:42
15 THE WITNESS: 1d states that decoding is 10:30:49
16 attempted after successful processing of the input 10:30:53
17 image. 10:30:58
18 MR. WARREN: Q. And so is the input image 10:30:59
19 that 1d is attempting to decode the processed input 10:31:01
20 image, in your opinion? 10:31:04
21 MR. WELLS: Objection; vague and 10:31:07
22 ambiguous, calls for a legal conclusion. 10:31:07
23 THE WITNESS: 1d says that the attempt at 10:31:16
24 decoding is made in response to the input image 10:31:19
25 having been successfully processed. 10:31:24

1	ambiguous, outside of scope.	11:36:38
2	THE WITNESS: The claim language says that	11:36:47
3	the processing of -- that success of the processing	11:36:50
4	is determined based on the completion of the	11:36:55
5	correction steps. Correction step may fail, and	11:37:00
6	therefore, it would result in the need to return a	11:37:08
7	unsuccessful result for the processing.	11:37:16
8	MR. WARREN: Q. And if the correction	11:37:20
9	step results in a manipulation of image data that	11:37:21
10	would increase the speed and accuracy of the barcode	11:37:26
11	reading, that would be a successful correction,	11:37:29
12	correct?	11:37:31
13	MR. WELLS: Objection; misstates the	11:37:32
14	document, outside of scope.	11:37:34
15	THE WITNESS: The purpose of correction is	11:37:37
16	to improve the data, which in turn is measured by	11:37:41
17	the speed and accuracy of the recognition process.	11:37:45
18	In turn, success of processing is dependent on the	11:37:57
19	correct -- the completion of the correction steps.	11:38:03
20	MR. WARREN: Q. And so if someone in step	11:38:10
21	1a performs a correction on the input image and that	11:38:11
22	correction results in a manipulation of image data	11:38:20
23	that would improve speed and accuracy of barcode	11:38:23
24	reading, would that, in your view, be determined in	11:38:26
25	step 1b to be successful processing of the input	11:38:31

1 image? 11:38:36

2 MR. WELLS: Objection; incomplete 11:38:37

3 hypothetical, outside of scope. 11:38:39

4 THE WITNESS: 1b states that the 11:38:45

5 determination is made based on whether or not the 11:38:46

6 correction step is completed. That's all it says. 11:38:51

7 MR. WARREN: Q. So in your view, the 11:39:01

8 patent doesn't require a particular outcome of the 11:39:02

9 determining step for a correction that results in a 11:39:12

10 manipulation of image data that would improve speed 11:39:20

11 and accuracy of barcode reading? 11:39:26

12 MR. WELLS: Objection; vague and 11:39:29

13 ambiguous, outside of scope. 11:39:29

14 THE WITNESS: Step 1b calls for the 11:39:34

15 determination whether or not the processing is 11:39:36

16 successful. That determination is used to select 11:39:39

17 the next step in the algorithm. 11:39:46

18 MR. WARREN: Q. I understand that. I'm 11:39:51

19 trying to understand the relationship between 1b and 11:39:52

20 1a. And so you testified previously that a 11:39:54

21 correction was intended -- withdraw that. 11:39:57

22 You testified previously that a correction 11:39:59

23 is any manipulation of image data that would improve 11:40:01

24 speed and accuracy of barcode reading, correct? 11:40:04

25 MR. WELLS: Objection; vague. 11:40:09

1 with different -- with different steps to follow. 11:45:09

2 It's normally a function call that returns if it's a 11:45:18

3 software implementation. 11:45:22

4 MR. WARREN: Q. When you say "different 11:45:24

5 steps to follow," I don't totally understand what 11:45:25

6 you mean. 11:45:27

7 A. It's a branch point in the code. That's 11:45:27

8 the -- that's the point I'm trying to make. The 11:45:31

9 deter- -- when it says "determination," that's an 11:45:33

10 if/then in software, or it could be a single bit if 11:45:36

11 it's implemented in hardware. 11:45:40

12 Q. I see. Okay. That's helpful. 11:45:42

13 All right. It is quarter of 12:00. I 11:45:46

14 think it's been an hour. 11:45:54

15 THE VIDEOGRAPHER: Yes. 11:45:56

16 MR. WELLS: Why don't we go off the record 11:45:57

17 and we can discuss lunch. 11:45:59

18 MR. WARREN: Yeah, I was going to say we 11:46:01

19 can go off the record and discuss lunch. 11:46:02

20 THE VIDEOGRAPHER: The time is 11:46 a.m. 11:46:04

21 We are now off the record. 11:46:05

22 (Recess taken from 11:46 a.m. to 12:30:28

23 12:30 p.m.) 12:30:28

24 THE VIDEOGRAPHER: Time is 12:30 p.m. We 12:30:37

25 are back on the record. 12:30:39

1 A. Allow me some time here. 12:34:44

2 Q. Take your time. It's really just, I 12:34:45

3 think, Paragraphs 72 through 76, because then you 12:34:47

4 move on to Claim 2, but take your time. 12:34:50

5 (Pause.) 12:38:10

6 MR. WARREN: Q. I can't tell from the 12:41:18

7 body language if you're ready. Are you ready? 12:41:19

8 A. I am. 12:41:21

9 Q. Perfect. 12:41:22

10 Can you read back the question again. 12:41:31

11 (Record read.) 12:41:47

12 THE WITNESS: In my response to his 12:41:52

13 report, I'm only reacting to the Claim 1 statements, 12:41:54

14 correct. 12:42:01

15 MR. WARREN: Q. Claim 1c is the element 12:42:02

16 that I'm talking about, so I'll ask the question 12:42:04

17 again. I just want to make sure we agree that in 12:42:06

18 your response to Dr. Schonfeld on Claim 1, the 12:42:09

19 challenge that you make is limited to failure to 12:42:13

20 disclose claim limitation 1c in your opinion; is 12:42:17

21 that correct? 12:42:21

22 A. In the report I'm dealing with Claim 1/1c 12:42:21

23 as a sufficient basis to show that his findings are 12:42:33

24 different from mine. 12:42:40

25 Q. Sure. Sorry. Did I -- were you finished 12:42:42

1 and barcode decoding, and at that point it returns 12:48:01
2 the barcode result. 12:48:09
3 MR. WARREN: Q. And doesn't practice 12:48:11
4 Claim 1c because there's no ability to switch in 12:48:15
5 response to the processing of the input image being 12:48:24
6 unsuccessful, correct? 12:48:26
7 MR. WELLS: Objection; vague. 12:48:32
8 THE WITNESS: 1c talks about the 12:48:54
9 processing being unsuccessful. That is a decision 12:48:55
10 point prior to decoding as it's described in Patent 12:49:00
11 '491. That decision point simply does not exist in 12:49:05
12 the Kotlarsky reference. 12:49:11
13 MR. WARREN: Okay. Let's mark as 12:49:13
14 Exhibit 3. Exhibit 3. 12:49:14
15 (Whereupon Exhibit 3 was marked for 12:49:35
16 identification.) 12:49:35
17 MR. WARREN: Exhibit 3 is a copy of Figure 12:49:36
18 6 from the '491 patent. It has Bates No. 12:49:38
19 WSOU_580_7946491-331. 12:49:40
20 Q. Feel free to compare it. I honestly just 12:49:48
21 want you to have it as a separate piece of paper so 12:49:49
22 you can hold it next to the claims without paging 12:49:51
23 back and forth in your document. So if you could do 12:49:54
24 that for me. Feel free to check if you want to make 12:49:56
25 sure that I haven't given you a figure that's from 12:50:03

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1 somewhere else, but rest assured this is the figure 12:50:05

2 from '491 patent. So are you familiar with Figure 12:50:07

3 6? 12:50:11

4 A. I have at some point looked at Figure 6. 12:50:13

5 Q. You mention that there have to be two 12:50:17

6 decision points, one before processing -- I'm 12:50:19

7 sorry -- one after processing and one after 12:50:24

8 decoding; is that correct? 12:50:25

9 A. 1c specifically in Patent '491 refers to a 12:50:26

10 decision point in response to the processing the 12:50:36

11 input image being unsuccessful. 12:50:43

12 Q. Okay. And that decision point in Figure 6 12:50:47

13 is Item 210, correct? 12:50:48

14 MR. WELLS: Objection; vague and 12:50:52

15 ambiguous, and outside the scope. 12:50:52

16 THE WITNESS: The way I would put it, the 12:51:42

17 210 matches the language 1c. 12:51:43

18 MR. WARREN: Q. Okay. And 230 matches 12:51:48

19 the language of 1e, correct? 12:51:49

20 MR. WELLS: Objection; vague and 12:52:00

21 ambiguous, outside of scope. 12:52:00

22 THE WITNESS: Inasmuch as 230 refers to 12:52:11

23 the decoding, the success of the decoding, yes, it 12:52:15

24 corresponds to 1e. 12:52:20

25 MR. WARREN: Q. And so to practice Claim 12:52:22

1 1, you must have both decision points, the decision 12:52:26
2 point in 210 and the decision point in 230, correct? 12:52:31
3 MR. WELLS: Objection; misstates the 12:52:36
4 document, calls for a legal conclusion, and outside 12:52:37
5 of scope. 12:52:40
6 THE WITNESS: Patent '291 (sic) and its 1c 12:52:48
7 and 1e subsections describes two separate decision 12:52:51
8 points. 12:52:59
9 MR. WARREN: Q. And in Figure 6 -- 12:53:00
10 withdraw that. 12:53:26
11 And that is also true of Claim 13, 12:53:28
12 correct? 12:53:33
13 A. Can you restate? 12:53:39
14 Q. Yes. You testified, I believe, that Claim 12:53:40
15 1 requires two decision points, in 1c and 1e, and 12:53:44
16 that those decision points appear in Figure 6 at 12:53:51
17 Item 210 and 230. Do I understand your testimony 12:53:54
18 correctly? 12:53:58
19 MR. WELLS: Objection; misstates 12:53:58
20 testimony, and calls for a legal conclusion, and 12:53:59
21 outside of scope. 12:54:02
22 THE WITNESS: I stated that the flow 12:54:09
23 diagram on -- in Figure 6, Box 210 corresponds to 12:54:14
24 the language in Claim 1c. And I further stated -- 12:54:19
25 agreed that Box 230, which depicts a decision point 12:54:25

1 based on the success of decoding, corresponds with 12:54:33

2 Claim 1e. 12:54:38

3 MR. WARREN: Q. And is that also true 12:54:41

4 with regard to Claim 13? Do you agree with me that 12:54:45

5 Box 210 corresponds to the language in 13c, a third 12:54:49

6 executable portion for switching to one of a 12:54:55

7 different barcode reading method or processing a new 12:54:57

8 frame of the input image using the current barcode 12:55:00

9 reading method in response to the processing of the 12:55:03

10 input image being unsuccessful? 12:55:05

11 MR. WELLS: Objection; calls for a legal 12:55:08

12 conclusion, outside of scope. 12:55:09

13 THE WITNESS: I would concur that 13c -- 12:55:46

14 the language in 13c describes a decision point based 12:55:54

15 on the processing being successful or unsuccessful, 12:56:02

16 which is what Figure 6, Box 210, also states. 12:56:08

17 MR. WARREN: Q. And I should note, if you 12:56:15

18 could turn to Paragraph 127 of your report for me 12:56:16

19 regarding independent Claim 13, it says, "I note 12:56:21

20 that this claim corresponds in a" -- "substantively 12:56:33

21 similar to Claim 1 which I have analyzed above, 12:56:36

22 differing only because Claim 13 is a 12:56:39

23 computer-readable medium claim while Claim 1 is a 12:56:41

24 method claim. 12:56:43

25 Furthermore, Dr. Schonfeld's analysis of 12:56:44

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1	corresponds, along with 13e and 1e, to Box 230 in	13:00:59
2	Figure 6, correct?	13:01:03
3	MR. WELLS: Objection; vague, outside of	13:01:05
4	scope.	13:01:06
5	THE WITNESS: The decision point described	13:01:11
6	in 1c in response to the decoding being successful	13:01:13
7	or unsuccessful corresponds to Section 13e and 25e	13:01:19
8	describing the same decision point.	13:01:26
9	MR. WARREN: Q. I think you may have	13:01:30
10	misspoken. I think you were trying to say that 1e,	13:01:30
11	13e, and 25e all correspond to Box 230 in Figure 6,	13:01:33
12	correct?	13:01:37
13	MR. WELLS: Objection; misstates	13:01:38
14	testimony, outside of scope.	13:01:39
15	THE WITNESS: All of these refer to a	13:01:43
16	decision point in response to the decoding being	13:01:44
17	successful or unsuccessful.	13:01:50
18	MR. WARREN: Q. Okay. And so you can't	13:01:52
19	practice Claim 1, Claim 13, or Claim 25 without	13:01:55
20	having the two decision points corresponding to 210	13:02:00
21	and 230 in Figure 6, correct?	13:02:03
22	MR. WELLS: Objection; outside of scope.	13:02:07
23	THE WITNESS: Claims 1, 13, and 25 all	13:02:16
24	include a decision point depending on the success of	13:02:18
25	decoding.	13:02:25

1 MR. WARREN: Q. And so the answer to my 13:02:26
2 question is, you can't -- withdraw that. 13:02:28
3 You can't practice Claim 1, Claim 13, or 13:02:31
4 Claim 25 without including both the decision point 13:02:33
5 labeled 210 in Figure 6 and the decision point 13:02:38
6 labeled 230 in Figure 6, correct? 13:02:42
7 MR. WELLS: Objection; misstates 13:02:44
8 testimony, outside of scope, and calls for a legal 13:02:45
9 conclusion. 13:02:49
10 THE WITNESS: Claims 1, 13, and 25 both 13:02:52
11 describe -- all describe a decision point based on 13:02:56
12 the success of the processing and another decision 13:03:01
13 point describing based on the success of decoding. 13:03:06
14 MR. WARREN: Q. And so, again, your 13:03:10
15 argument in this invalidity report is that Kotlarsky 13:03:12
16 does not practice the '491 patent, either Claim 1, 13:03:16
17 Claim 13, or Claim 25, because it does not include 13:03:20
18 both the decision point corresponding to 210 in 13:03:25
19 Figure 6 and the decision point corresponding to 230 13:03:28
20 in Figure 6; is that correct? 13:03:31
21 A. My -- 13:03:34
22 MR. WELLS: Objection; misstates 13:03:35
23 testimony. 13:03:36
24 THE WITNESS: My opinion as presented in 13:03:36
25 the report in Section 73 is that the 1c decision 13:03:58

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1 MR. WELLS: Objection; misstates 13:06:05
2 testimony, asked and answered, and also outside of 13:06:06
3 scope. 13:06:09
4 THE WITNESS: My opinion is that the 13:06:09
5 decision point 1c is not reflected in the Kotlarsky 13:06:19
6 reference, and therefore, it does not disclose the 13:06:24
7 entirety of the '291 patent (sic). 13:06:28
8 MR. WARREN: Q. And that's true for 13c 13:06:32
9 and 25c as well, correct? 13:06:33
10 A. By inclusion of Section 73 of my report, 13:06:36
11 yes. 13:06:38
12 Q. Okay. And so it is your opinion that one 13:06:40
13 cannot practice either Claim 1, Claim 13, or Claim 13:06:46
14 25 of the '491 patent without including the separate 13:06:50
15 decision point in Box 210 of Figure 6, correct? 13:06:58
16 MR. WELLS: Objection; misstates 13:07:02
17 testimony, asked and answered, and outside of scope. 13:07:03
18 THE WITNESS: The opinion that I was asked 13:07:09
19 to formulate is whether the Kotlarsky reference 13:07:11
20 presents -- discloses or not the method disclosed in 13:07:18
21 Patent '491, and my conclusion is -- my opinion is 13:07:23
22 that it does not, and as stated, it's enough to show 13:07:28
23 that even one element of the '491 method is omitted, 13:07:35
24 and the one specifically called out in my report is 13:07:40
25 Element 1c. 13:07:44

1 including all steps, yeah. 13:15:03

2 MR. WARREN: Q. Okay. And one of those 13:15:05

3 steps is Step 1c, Step 13c, Step -- 13:15:06

4 A. One of those steps is -- 13:15:10

5 Q. Wait. You got to let me finish. 13:15:11

6 A. Sorry. 13:15:12

7 Q. One of those steps is Step 1c, Step 13c, 13:15:13

8 and Step 25c, correct? 13:15:16

9 A. That is correct. 13:15:18

10 Q. And to practice Steps 1c, 13c, and 25c, 13:15:19

11 one must include the decision point that is 13:15:23

12 referenced in Box 210 of Figure 6, correct? 13:15:28

13 MR. WELLS: Objection; misstates 13:15:31

14 testimony, outside of scope, mischaracterizes the 13:15:32

15 document, and asked and answered. 13:15:36

16 THE WITNESS: In order to practice the 13:15:43

17 '291 patent (sic), the instantiation has to include 13:15:44

18 a step that corresponds to the decision point in 13:15:50

19 response to the processing being successful or 13:15:59

20 unsuccessful. 13:16:02

21 MR. WARREN: Q. And you mean the '491 13:16:03

22 patent, correct? 13:16:05

23 A. '491. 13:16:07

24 Q. You said "'291." 13:16:08

25 A. Sorry. 13:16:09

1 Q. That's okay. And that's true for Claim 1, 13:16:09
2 for Claim 13, and for Claim 25, correct? 13:16:12
3 A. That is correct. 13:16:16
4 Q. Okay. And those are the only independent 13:16:16
5 claims asserted in this action, correct? 13:16:19
6 A. To the best of my knowledge, those are the 13:16:23
7 claims I asserted. 13:16:26
8 Q. I'll refer you back to the table of 13:16:28
9 contents if you want to be certain. You can look at 13:16:30
10 page little i -- little double i. 13:16:32
11 A. Which document are you referring to? 13:16:50
12 Q. I want you to confirm that the -- withdraw 13:16:52
13 that. 13:16:54
14 Do you agree with me that the only 13:16:54
15 independent claims WSOU has asserted in this action 13:16:56
16 are Claims 1, 13, and 25? 13:17:00
17 A. I agree with that. 13:17:04
18 Q. Okay. And to practice any of the 13:17:05
19 dependent claims, you must also practice the 13:17:10
20 limitations of the independent claim, correct? 13:17:13
21 A. To practice the dependent -- any dependent 13:17:23
22 claim would require the independent claims 13:17:31
23 disclosures to be followed, yes. 13:17:37
24 Q. Okay. And so to practice any claim 13:17:39
25 asserted in this action, you must have the decision 13:17:40

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1 point corresponding to Box 210 in Figure 6, correct? 13:17:44

2 MR. WELLS: Objection; misstates 13:17:48

3 testimony, misstates the document, argumentative, 13:17:49

4 and asked and answered repeatedly. 13:17:52

5 THE WITNESS: They have to be including 13:17:55

6 the Claims 1c, 13c, and 25c. 13:17:58

7 MR. WARREN: Q. And that's true for all 13:18:05

8 claims asserted in this action, correct? 13:18:06

9 A. All dependent claims of Claim 1, Claim 13, 13:18:13

10 and Claim 25 would include the independent claims by 13:18:18

11 implication. 13:18:27

12 Q. Would include the elements of the 13:18:28

13 independent claim, correct? 13:18:30

14 A. It would include the elements disclosed in 13:18:32

15 the independent claim. 13:18:35

16 Q. Okay. So just to make 100% sure, to 13:18:36

17 practice any claim asserted in this action, you 13:18:39

18 would have to include the decision point referenced 13:18:42

19 in Box 210 of Figure 6 of the '491 patent, correct? 13:18:46

20 MR. WELLS: Objection; misstates the 13:18:50

21 testimony, misstates the document, argumentative, 13:18:53

22 and asked and answered repeatedly again. 13:18:54

23 THE WITNESS: My statement about this was 13:18:58

24 that they have to include the language in -- or an 13:18:59

25 instantiation corresponding to the language 1c, 13c 13:19:04

CERTIFICATE OF REPORTER

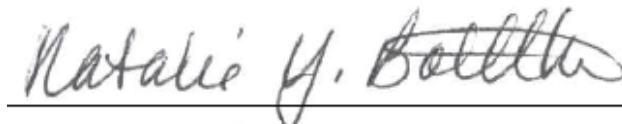
I, Natalie Y. Botelho, a Certified Shorthand Reporter, hereby certify that the witness in the foregoing deposition was by me duly sworn to tell the truth, the whole truth, and nothing but the truth in the within-entitled.

The said deposition was taken down in shorthand by me, a disinterested person, at the time and place therein stated, and that the testimony of said witness was thereafter reduced to typewriting, by computer, under my direction and supervision;

That before completion of the deposition, review of the transcript [] was ☒ was not requested. If requested, any changes made by the deponent (and provided to the reporter) during the period allowed are appended hereto.

I further certify that I am not of counsel or attorney for either or any of the parties to the said deposition, nor in any way interested in the event of this cause, and that I am not related to any of the parties thereto.

DATED: June 10, 2023

A handwritten signature in cursive script, reading "Natalie Y. Botelho", is written over a horizontal line.

Natalie Y. Botelho, CSR No. 9897

1 MATT WARREN, ESQ.

2 matt@warrenlex.com

3 JUNE 10, 2023

4 RE: WSOU INVESTMENTS, LLC v. GOOGLE LLC

5 MAY 24, 2023, TIBOR KOZEK, Ph.D., JOB NO. 5929710

6 The above-referenced transcript has been
7 completed by Veritext Legal Solutions and
8 review of the transcript is being handled as follows:

9 ___ Per CA State Code (CCP 2025.520 (a)-(e)) - Contact Veritext
10 to schedule a time to review the original transcript at
11 a Veritext office.

12 ___ Per CA State Code (CCP 2025.520 (a)-(e)) - Locked .PDF
13 Transcript - The witness should review the transcript and
14 make any necessary corrections on the errata pages included
15 below, notating the page and line number of the corrections.
16 The witness should then sign and date the errata and penalty
17 of perjury pages and return the completed pages to all
18 appearing counsel within the period of time determined at
19 the deposition or provided by the Code of Civil Procedure.

20 ___ Waiving the CA Code of Civil Procedure per Stipulation of
21 Counsel - Original transcript to be released for signature
22 as determined at the deposition.

23 ___ Signature Waived - Reading & Signature was waived at the
24 time of the deposition.

25

Page 194

1 ___ Federal R&S Requested (FRCP 30(e)(1)(B)) - Locked .PDF

2 Transcript - The witness should review the transcript and
3 make any necessary corrections on the errata pages included
4 below, notating the page and line number of the corrections.
5 The witness should then sign and date the errata and penalty
6 of perjury pages and return the completed pages to all
7 appearing counsel within the period of time determined at
8 the deposition or provided by the Federal Rules.

9 _X_Federal R&S Not Requested - Reading & Signature was not
10 requested before the completion of the deposition.

1 WSOU INVESTMENTS, LLC v. GOOGLE LLC

2 TIBOR KOZEK, Ph.D., JOB NO. 5929710

3 E R R A T A S H E E T

4 PAGE_____ LINE_____ CHANGE_____

5 _____

6 REASON_____

7 PAGE_____ LINE_____ CHANGE_____

8 _____

9 REASON_____

10 PAGE_____ LINE_____ CHANGE_____

11 _____

12 REASON_____

13 PAGE_____ LINE_____ CHANGE_____

14 _____

15 REASON_____

16 PAGE_____ LINE_____ CHANGE_____

17 _____

18 REASON_____

19 PAGE_____ LINE_____ CHANGE_____

20 _____

21 REASON_____

22 _____

23 _____

24 WITNESS _____ Date _____

25 _____